

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 18-20554

v.

Hon. PAUL D. BORMAN

JACKIE DOUGLASS WOODBURN,

Defendant.

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**Government's Sentencing Memorandum**

Jackie Douglas Woodburn is an internet sexual predator. Woodburn hunted girls on an unmonitored, chatroom-based website used almost exclusively by child pornographers. Woodburn pretended to be a teenage boy, and targeted preteen and teenage girls. Woodburn then used his prowess as an experienced counselor and pastor to manipulate these children into producing image and videos of themselves undressing or masturbating. That Woodburn—a man four times these girls age and with significant life experience advantages—succeeded is hardly surprising. In a contest of wills between unsuspecting teenagers and an experienced, cunning sexual predator, the girls stood no chance. Woodburn reached into these girls' homes, into their families' lives, and created a nightmare for his victims. Woodburn deserves a significant prison sentence for his crimes. The government recommends 20 years in prison.

## I STATEMENT OF FACTS

### **A. Woodburn and Chateen**

Jackie Douglas Woodburn used a chatroom-based website called Chateen.com to sexually exploit young girls. Over the last few years, Judges Murphy and Levy have sentenced 24 men to various terms of imprisonment ranging from 20 years to 55 years for participating in child exploitation enterprises on Chateen. *See United States v. Berenson*, Crim. No. 17-20521; *United States v. Fuller et al.*, Crim. No. 16-20239; *United States v. Massey et al.*, Crim. No. 17-20632; *United States v. Maire et al.*, Crim No. 18-20128.

Chateen's name suggested that the website provided a forum for teens to chat with one another online. This was not true. The FBI's years-long investigation, which included witness interviews, offender statements, and two undercover operations, revealed that sexual predators lured preteen and teenage girls to chatrooms on Chateen where other adult men (all pretending to be teenagers) coerced, enticed, and blackmailed the girls into undressing and masturbating on live webcam. Any user could create a new chatroom by simply giving it a unique name and users made up their own usernames. Importantly, Chateen did not provide a centralized list of all of the active chatrooms, which meant that Chateen users needed to know the precise URL (or address) of the chatroom in order to enter it.

Woodburn created chatrooms for his victims on Chateen, and also lurked in the most popular chatrooms for additional potential victims. Woodburn then took the communications with his victims away from the Chateen chatrooms into private exchanges over the popular social media application Skype and/or email. Through these Skype discussions and emails, Woodburn—still pretending to be a teenage boy—wrote sexually explicit fantasies about the children, professed his love for these girls, and asked for sexually explicit videos and images. Woodburn was relentless. He often communicated with several victims at one time, writing disturbingly detailed stories of the sexual encounters he hoped to have with these girls. A summary of the relationship with each victim named in the indictment, as well as Woodburn’s conduct with other victims, follows.

## **B. Minor Victim 1**

Minor Victim 1 (MV-1) is a girl from Texas born in 2004. In April 2016, Woodburn, using the moniker “JD Walker” and claiming to be 15 years old, encountered MV-1 online. Woodburn created a chatroom on Chateen just for the two of them, naming it “jdand[MV-1’s true name].” MV-1 told Woodburn her true age: 12 years old.

By April 25, 2016, Woodburn and MV-1 were communicating over Skype. During their first lengthy Skype chat, Woodburn wrote an incredibly graphic and detailed description of anally and vaginally penetrating this child. Woodburn

learned that MV-1 had someone else in her room at the time. Woodburn chastised the child for not paying attention to him, writing “Bye [MV-1’s true name]... I’m not interested in sitting here when your (sic) with someone else sorry. I’ll come back another time.” MV-1 apologized and asked Woodburn not to go. Seizing on the opportunity, Woodburn told MV-1 to turn on her web camera. The girl complied. Woodburn (using his Skype name “jd.windwalker”) immediately turned the conversation sexual, writing in part:

r jd.windwalker	Minor Victim #1	04/25/2016 02:33:45 AM	turn you cam on	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:34:23 AM	yeah	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:34:30 AM	let me see you	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:34:31 AM	yes	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:34:57 AM	thats is take your clothes off	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:35:18 AM	take your clothes off	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:35:57 AM	put the camera down between you sexy legs and open that pussy up for daddy	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:36:31 AM	pull those pussy lips apart for daddy to see	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:37:13 AM	yes	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:37:17 AM	open wide	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:37:29 AM	now turn that pussy on	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:37:54 AM	oh yes babe	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:38:07 AM	push two fingers in deep	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:38:18 AM	raise cam a little	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:38:41 AM	in and out...in and out	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:38:52 AM	faster	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:39:11 AM	run up to that clit and rub hard	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:39:39 AM	mmmm...tell daddy why you want	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:40:33 AM	go get something to put in that pussy....hairbrush handle or something	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:41:08 AM	can't see...raise camera	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:41:11 AM	i want that pussy	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:42:14 AM	you're sooo hot	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:42:22 AM	im between your legs	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:42:32 AM	you feel my cock sliding in	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:42:41 AM	my lips on your neck	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:42:52 AM	kissing your neck as i fuck you	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:42:55 AM	faster	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:42:57 AM	harder	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:43:00 AM	deeper	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:43:02 AM	in and out	Sent
r jd.windwalker	Minor Victim #1	04/25/2016 02:43:04 AM	in and out	Sent

Woodburn continued for another 50 lines describing the sexual activity he wanted MV-1 to engage in on camera for his sexual pleasure.

A few nights later, the next time MV-1 was on Skype, Woodburn again described in detail the sex acts he wanted to do to MV-1. Woodburn repeatedly

attempted to contact MV-1 over the next two months, including writing sexually explicit details about her, but MV-1 only infrequently responded. Finally, after yet another graphic chat about sex from Woodburn, MV-1 wrote, “That’s enough.”

But it wasn’t enough for Woodburn. Despite her request to stop, Woodburn wrote several more times to MV-1 in an attempt to get her to return online. Woodburn told her he missed her, loved her, that she is sexy, and that he “can picture [her] in my mind.” Woodburn persisted for more than six months before he finally stopped trying to reach a clearly-uninterested MV-1.

### **C. Minor Victim 2**

Minor Victim 2 (MV-2) likewise met Woodburn on Chateen. Woodburn used Chateen and email to sexually exploit MV-2 from July to November 2017. Minor Victim 2 is a girl from Kansas born in 2003. Therefore, she was 13 and 14 years old during the time she knew Woodburn.

As with MV-1, Woodburn lied to MV-2 about his age, again claiming to be a teenage boy. Woodburn created chatrooms on Chateen for MV-2, but the most graphic details of his conduct with MV-2 came via email. Throughout the last half of 2017, Woodburn repeatedly wrote graphic stories about engaging in anal, oral, and vaginal sex with this 13 year-old girl. Woodburn frequently demanded pictures, telling MV-2 “I want my bad girl to send me some bad pictures right now;” “you need to send me a picture of your legs spread wide and a close up of your wet pussy”;

and “spread those lets and burry (sic) your hair brush in daddys pussy and take a few pictures....or let daddy see his bad girls asshole.” Woodburn clearly dispensed with any quiet, subtle request from this child. Sadly, MV-2 complied with Woodburn’s demands on several occasions sending pictures of herself undressed and masturbating.

During a search of Woodburn’s email account, the FBI recovered several of these child pornographic videos and images of MV-2 saved to a special place inside Woodburn’s email account. Bizarrely, Woodburn even saved his most graphic sexual descriptions he wrote to MV-2 by emailing himself copies of the words he used. By saving the child pornography and the graphic stories he wrote to MV-2, it is clear that Woodburn intended to cherish and re-live the experiences he had with this 13 year-old girl.

#### **D. Minor Victim 4**

Woodburn’s sexual interest in children is not limited to teenagers. Minor Victim 4 is a seven year-old girl from Virginia. Tragically, MV-4’s father sexually exploited her before being arrested and prosecuted for his crimes. Woodburn reached out to MV-4’s father, believing it was actually MV-4, via email. He wrote:

Hi [MV-4’s name]...this is jd... I know you are like 9 but you seem more like my age....14 or something....do you have any more pictures? Id love for you to email one to me since the one in the chatroom was so little

As with his other victims, Woodburn claimed to be a teenager (14 years old this time) and asked for pictures. That Woodburn thought MV-4 was 9 years old shows that no child is too young for him to sexually exploit.

And that's exactly what Woodburn tried to do. Over the next several weeks, Woodburn wrote several disturbing emails to this victim. He asked for pictures, but was denied. Woodburn's response was: "bummer ☺ you are so beautiful I wanted to see more of you... hey.... Help me see you...what are you wearing right now?" Woodburn goes on to ask if the girl is in her bedroom or somewhere else. Woodburn then told the child that he wanted to rub his hands all over her body "and touch you all over and make you feel amazing."

Woodburn created a chatroom on Chateen for this child using a combination of her real name and his moniker JD. He also repeatedly asked her for pictures. Unfortunately for Woodburn, MV-4's father was arrested before he could send Woodburn any child pornography of MV-4.

#### **E. Other Potential Victims**

Beyond the three victims identified in the indictment, the evidence suggests that Woodburn communicated with several other victims or potential victims on Chateen, via email, and through Skype.

The login data provided by Chateen revealed that Woodburn connected to Chateen at least 240 times between at least April 2016 and September 2017. As

indicated above, the FBI's investigation into Chateen proved that it was principally used for the sexual exploitation of children. Woodburn's mere presence on Chateen indicates he understood the purpose of this website. That he repeatedly accessed chatrooms on Chateen showed his sexual interest in young girls.

As for Skype and email, Woodburn used both of these platforms to have individualized conversations with several girls. Woodburn often used the same method in obtaining sexually explicit pictures from his victims. Specifically, Woodburn would:

- lie about his own age (claiming to be a teenager);
- compliment the girl on her appearance;
- write some variation of "you're 13 but you seem older like 15 or 16," which tapped into every preteen and teenage girl's desire to be older;
- write sexually graphic descriptions of the kind of activity he would want to engage the child in;
- seek pictures of the girls.

Woodburn used the above method—with varying degrees of success—on at least a dozen other children. Undoubtedly, Woodburn would have continued this conduct had the FBI not stopped him.

## **F. Indictment and Guilty Plea**

The United States charged Woodburn with seven crimes related to his sexual exploitation of children. On September 11, 2019, Woodburn pleaded guilty to production of child pornography.

## **II SENTENCING FACTORS, TITLE 18 U.S.C. § 3553**

Congress has provided, through 18 U.S.C. § 3553(a), the relevant objectives and factors to be considered by sentencing courts in imposing a “sentence sufficient, but not greater than necessary.” Those objectives are: (1) the nature and circumstances of the offense, and the history and characteristics of the defendant; (2) the need for a sentence to reflect the basic aims of sentencing (including retribution, deterrence, incapacitation, and rehabilitation); (3) the kinds of sentences legally available; (4) the Sentencing Guidelines; (5) Sentencing Commission policy statements; (6) the need to avoid unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar conduct; and (7) the need for restitution.

The most relevant factors are evaluated below, beginning with number 4, the sentencing guidelines.

### **A. The Advisory Guideline Range**

In *United States v. Rita*, 551 U.S. 338 (2007), the Supreme Court restated that the goals of the United States Sentencing Commission in formulating the Sentencing

Guidelines are to carry out the objectives of 18 U.S.C. § 3553(a). Despite being advisory, rather than mandatory, the Guidelines remain an important factor in fashioning a just sentence. As the Supreme Court stated in *Rita*, “it is fair to assume that the Guidelines, insofar as practicable, reflect a rough approximation of sentences that might achieve section 3553(a)’s objectives.” *Id.* at 345.

In *United States v. Vonner*, 516 F.3d 382, 389 (6th Cir. 2008), the Court in analyzing the holding in *Rita*, recognized that the guidelines represent the Sentencing Commission’s attempt to reconcile the factors under § 3553(a), that these factors seek to balance Congress’ competing interests in consistency, and that a confluence between the national views of the sentencing commission and the independent views of a sentencing judge results in a “double determination” which significantly increases the likelihood that a sentence is reasonable.

In *United States v. Gall*, 128 S. Ct. 586, 601 (2007), the United States Supreme Court provided a template for sentencing proceedings in the district court. The Court held that a district court should begin sentencing proceedings by correctly calculating the applicable guidelines. *Gall*, 128 S. Ct. at 596.

The Guidelines in this case are not in dispute. The parties agree that Woodburn is a criminal history category I with an offense level 42, resulting in a Guidelines range of 360 months in prison. (PSR ¶ 77).

## **B. Nature and Circumstances of the Offense**

The nature and circumstances of the offense are shocking. Woodburn preyed on preteen and teenage girls for his own sexual pleasure. Woodburn hunted them on Chateen, used that website to initiate conversations one-on-one with the children, and then eventually migrated the relationship to email or Skype. Woodburn wrote sexually graphic content to these children, attempting to break down barriers between the normal and the taboo. Woodburn manipulated the girls into believing they were speaking with a fellow teenager, further breaking down any walls of defense these girls would have otherwise put up. In other words, Woodburn knew that teenage girls would not want to speak to a 60 year-old man about sex. So Woodburn lied to them. Woodburn used his significant life experience (as a counselor and pastor) to push the right buttons on his unsuspecting victims.

Woodburn's conduct spanned nearly two years, involved several victims, and included an attempt to coerce a child as young as 9 years old to engage in sexually explicit conduct. Woodburn is not among the least significant child pornography defendants, and therefore should receive a sentence above the mandatory minimum for his crimes.

## **C. History and Characteristics of the Offender**

Woodburn has significant life experience. He graduated from high school and college, and even obtained a Master's degree in counseling from Andrew's

University. Woodburn has worked as a counselor for nearly three decades. Woodburn served in the military, raised a family, and maintained a stable marriage. (PSR ¶¶ 71-74). How did Woodburn put that life experience to work? He used it to sexually exploit children a quarter of his age. Woodburn has advanced education and significant experience in handling sensitive issues through his work as a counselor. Those experiences certainly proved valuable in manipulating and coercing young girls to engage in sexual activity for him on web camera.

Moreover, Woodburn had the opportunities that so many other defendants who appear before the Court do not have. Woodburn had family support, stable and lucrative work, and respect in the community. But Woodburn chose to lie to his family, lie to his wife, and lie to his community about his true nature. Woodburn valued his sexual interest in children over all of the advantages he was so blessed to have.

Still, two of Woodburn's characteristics warrant a variance from the guidelines range. First, Woodburn is 64 years old facing a mandatory minimum of 15 years in prison. His advanced age should be considered by the Court. Second, Woodburn's history of mental health issues and physical health issues deserve recognition as well. But for these two factors, the government would recommend a 30-year sentence for Woodburn. This Court should not vary down to the mandatory minimum in this case, however, as Woodburn is not among the least culpable

offenders who commit this offense. Woodburn's mitigating characteristics do not warrant the lowest sentence allowed by law. Instead, a sentence of 20 years in prison strikes the proper balance.

**D. The Sentence Imposed Must Reflect the Seriousness of the Offense, Promote Respect for the Law, and Provide Just Punishment**

The purposes of sentencing support a 20-year sentence. The offense of production of child pornography is incredibly serious. The seriousness of Woodburn's conduct surpasses the typical production of child pornography defendant. Woodburn's manipulation, number of victims, age of victims, and length of time committing the offense, all suggest that he is among the more significant child exploiters. Woodburn used his skills as a counselor to attempt to normalize sexual behavior that is completely abnormal. Asking children to masturbate with hairbrushes, take videos of themselves engaged in sex acts, and send other illicit pictures should not happen from any defendant, but especially someone with the significant life experience of Woodburn.

To promote respect for the law, a sentence far above the mandatory minimum must be imposed.

**E. Avoiding Unwarranted Sentence Disparities**

A sentence of 20 years also avoids unwarranted sentencing disparities. Woodburn is the 25<sup>th</sup> offender being sentenced from the Chateen investigation. The other offenders received sentences between 20 and 55 years. *See United States v.*

*Berenson*, Crim. No. 17-20521; *United States v. Fuller et al.*, Crim. No. 16-20239; *United States v. Massey et al.*, Crim. No. 17-20632; *United States v. Maire et al.*, Crim No. 18-20128. While nearly all of these other defendants were convicted of participating in a child exploitation enterprise, Woodburn's conduct is nearly as significant as theirs. Like these other defendants, Woodburn lied about his age, manipulated young girls into producing child pornography, and committed his crime over a significant period of time. The main difference between Woodburn and these other offenders is that Woodburn worked alone while the others worked in a group. In this way, Woodburn can blame no other actor but himself for his criminal behavior. A sentence of 20 years in custody would avoid unwarranted sentencing disparities.

### III CONCLUSION

The Government requests that the Court sentence Woodburn to **20 years'** **imprisonment** followed by 10 years of supervised release.

Respectfully submitted,

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Dated: January 8, 2020

### Certificate of Service

I hereby certify that on January 8, 2020, I electronically filed the Government's Sentencing Memorandum resulting in Woodburn's lawyer receiving a copy via the ECF system.

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